

FLGA District, LCMS

Rev. Gregory S. Walton

Dear Brothers and Sisters in Christ,

Greetings in the name of our Lord and Savior, Jesus Christ.

This resource was developed by LCMS School Ministries for congregations when it became apparent that most congregations did not have policies and procedures to guide them when the economic downturn made it necessary for a Reduction in Force (RIF) in their ministries.

The lack of clear policy and procedure to guide many congregations through such a process escalated already highly emotional situations, and left many asking for help after the fact.

We are grateful to LCMS School Ministries Director, Bill Cochran, for recognizing the need for a resource such as this. A word of thanks is extended to the team that oversaw development of this document, Deaconess Sally Hiller, DCE Jim Bradshaw, Teacher Perry Bresemann and Teacher Mark Brink.

It is important to note that this document is made available to congregations of the Florida-Georgia District as a resource. It is **not** District policy nor is it recommended that congregations adopt its contents as policy unless it is the result of planning and due diligence on the part of congregation. This document has been developed primarily by LCMS School Ministries and revised by Florida-Georgia District staff and has undergone human resources scrutiny. This document is **not** an official document or policy of the Synod or of the Florida-Georgia District. In any event, congregations are strongly encouraged to seek legal counsel regarding applicable law before adopting any Reduction in Force policy.

With that, we strongly encourage all congregations to develop policies and procedures that will guide them through the process of Reduction in Force. The time for action is before the situation occurs, or occurs again. We welcome your feedback to help us make this resource more helpful.

Rev. Gregory S. Walton

District President, FL-GA District, LCMS

## [REDUCTION IN FORCE]

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## **REDUCTION IN FORCE RESOURCES**

A Reduction in Force (RIF) takes place when a change in the fiscal or operational position of a church/school requires the elimination of position(s) to ensure the on-going viability of the ministry.

## **INTRODUCTION**

Because needs change over time, it may be necessary for an institution or entity to decrease or change its number of workers. The following is a collection of thoughts on Reduction in Force (RIF) taken from a variety of resources prepared by the Districts of the LCMS. These may be used to help Lutheran Church – Missouri Synod (LCMS) congregations and schools as they develop RIF resources for their entity. It is understood that each congregation/school brings a unique perspective and application of principles to the local ministry setting. Such resources are to be adopted accordingly. It is encouraged that any proposed resources that are developed into local guidelines or policies at the local level be reviewed with legal assistance prior to implementation.

In times of economic difficulty, declining enrollment, and lack of financial resources it sometimes becomes necessary to consider reducing the number of professional church workers, both called and contracted. It is especially important to commit all things to God in Bible study and prayer. Some Bible passages to use include but are not limited to: John 20:21-23; Acts 20:28; Ephesians 4:11-13; and 1 Corinthians 4:1.

## **THEOLOGICAL POSITION OF LCMS**

A primary need when developing RIF guidelines is to be consistent with LCMS doctrine and practice. The LCMS Commission on Theology and Church Relations issued a report entitled “The Divine Call” which addressed the issue of whether or not the Divine Call of a pastor must always be permanent. The authors of the report stated:

*Neither the Scriptures nor the Confessions explicitly address the details of the call process, including this issue.*

*It may well be the case that the length of service, like location and salary, is an issue that is entrusted to the church to administer “by human right”.*

*The call to proclaim the Law and Gospel does not take place in a vacuum. It occurs within specific contexts and situations.*

*A calling entity may terminate a call under the provisions of the entity's constitution and bylaw or policies in a spirit of Christian love and concern for the worker.*

Additionally the LCMS distinguishes between two offices of ministry. The first is divinely instituted or mandated. We call that the office of the pastoral or public ministry. This office is held by one man in each congregation, known as the Pastor, or with a number of pastors on staff, the Senior Pastor. Because the office of pastor is established by God himself and mandated Biblically and because all other ministries of the congregation flow out of that office, a call into that office is tenured and may not be concluded or terminated for any cause other than the persistent teaching of false doctrine, immorality, or malfeasance.

Christians have established other offices of ministry that are good and salutary but not mandated by Scripture. The LCMS has termed these, "auxiliary offices" in that they are auxiliary to the pastoral office. These offices can be expanded or reduced by the congregation in accordance with its ministry needs resources. Such auxiliary offices include Teachers, Directors of Christian Education, Directors of Christian Outreach, Deaconess, etc. Because these offices are established by people for the good of Christ's work but not mandated by God or His Word, Christian congregations may create these ministries and call workers to fill the responsibilities of these ministries. Likewise, they have the right to conclude those ministries when circumstances require doing so.

#### **LEGAL CONSIDERATIONS**

1. Contract law applies to the employment agreements used by Lutheran churches and schools. The fundamental premise involved is that the parties to the agreement must do what they promised to do.
2. State statutes relating to Reduction in Force generally relate specifically to public schools and may not be applicable to Lutheran schools. Therefore, a Lutheran school may develop Reduction in Force guidelines that differ in some details from public school policy constraints. However, congregations and schools must follow statutes related to Department of Labor and EEOC requirements.
3. Churches and schools that have created a system of tenure through contract or written guidelines must carefully review the tenure provisions to make sure that they do not conflict with Reduction in Force guidelines. Understand that "tenure" does not mean that the school will continue to employ a staff or faculty member to the date of his/her legal retirement without consideration being given to the extent to which such employment serves to meet specific school needs.
4. All personnel policies should be regularly reviewed by legal counsel with an expertise in human resources law.

## **APPLICATION**

### ***RIF guidelines:***

1. Include all staff, called and contracted, full and part time.
2. Are based on carefully developed documentation to ensure that decisions are made equitably, compassionately and legally for everyone involved.
3. Are used for removing competent faculty and professional staff whose positions must be eliminated due to budgetary constraints, changes in enrollment, or programmatic changes.
4. Define the rights of staff and faculty members as well as the rights of the institution.
5. Are clearly transparent on the part of church leaders and are honest with all staff.

### ***RIF guidelines should NOT:***

1. Be designed for the purpose of removing professional staff persons who are considered incompetent. Removal for incompetency should be dealt with through evaluation procedures outside the RIF guidelines.
2. Discriminate on the basis of race, national origin, gender, religion/creed or age.
3. Discriminate on the basis of seniority.
4. Eliminate an employee only because of the amount of their total compensation.
5. Target an individual on the basis of grudge, spite, jealousy, or other personal considerations.

## **DETERMINING FACTORS**

A variety of factors may be used to determine the workers that will best help to carry out the vision and ministry plan of the organization. Factors to consider when determining which employee(s) will be RIFed may include (in no particular order):

1. The specific position(s), program(s), or area(s) of ministry subject to reduction.
2. Individual knowledge, skills and abilities.
3. Contribution to the school and church program, extra duty responsibilities etc.
4. Effectiveness in the classroom.
5. Commitments previously made via Call or contract

6. Professional conduct as delineated in existing church/school policy
7. Need to maintain a critical program of the ministry
8. Necessity to maintain a critical program

## **PROCESS**

Decisions related to Reduction in Force are a process rather than an event. The process includes, but may not necessarily be limited to, steps such as the following:

1. On the basis of reasonable cause, i.e. declining enrollment, budget constraints, program changes, the responsible party prepares a recommendation to present to the governing authority (voters' assembly, board of directors etc.), which formally decides that a reduction in staff is needed. This decision is communicated to the staff.
2. The administrator pursues alternatives to termination, such as staff reassignments due to a vacancy caused by resignation, retirement, etc. When any such reassignment affects the assignments of other teachers, changes are made by consensus and mutual consent to the extent possible. However, the best interests of the church and school are always the overriding concern. The final decision is made by the responsible individual, board or council after hearing the recommendation of the administrator.
3. The administrator and/or board determines which program(s) is to be reduced or eliminated.
4. If the recommendation will result in the termination of a worker:
  - A. The worker(s) likely to be affected is to be notified immediately in person and in writing and should include a written separation agreement.
  - B. Alternatives to termination, i.e. early retirement, reassignment, placing name(s) on the Synodical call list should be considered. Reassignments affecting other workers, to the extent possible, may be made by mutual consent. The best interests of the school, the congregation, and their ministry are the overriding concerns in the decision process. "Forced" resignation should be avoided as they may create liability for wrongful discharge.
5. The governing authority, in compliance with its Bylaws, decides that a reduction in force is necessary.
6. After the governing authority has made the decision to reduce workers, the final recommendation as to which staff member(s) is to be terminated is made by the responsible individual or board along in consultation with the administrator and after due diligence has been concluded.

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7. In the case of a called worker this recommendation is then presented to and adopted by the governing authority at a legally convened meeting.
8. A terminated staff member should be entitled to unused vacation pay and health insurance coverage for at least one full quarter beyond the last quarter of employment.
9. The administrator and board make good faith efforts to help terminated workers secure another position.
10. The congregation/school should celebrate the years of service and ministry of the terminated employee.

(See accompanying checklists for application and sample severance agreements)

### **POTENTIAL APPEALS PROCESS**

1. The congregation's governing board or council serves as the appeals committee for any worker who wishes to contest the decision to release him/her.
2. The issues in the hearing should include only the following:
  - Did one or more of the criteria for Reduction in Force exist?
  - Was the criterion properly applied?
3. A written appeal must be filed with the chairman of the governing board or council within fifteen days of the responsible board's notification to terminate. Failure to file an appeal within the stated time period constitutes a waiver of the appeals process.
4. A hearing is then scheduled at a mutually convenient time within thirty days.
5. Within one week after the hearing, the board or council reports its conclusions.

### **CONCLUSIONS**

During these difficult and trying experiences it is important to remember to:

1. Commit all things to God in prayer. All matters should be pursued with prayer and in a spirit of humility, eager to discover the dimension of blessing the Lord will provide.
2. Be open and collaborative in a spirit of mutual accommodation. Both congregational leadership and ministry staff should engage the process from a

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position which seeks a decision that is mutually beneficial and healthy for the long-range pursuit of ministry.

3. Encourage leaders of the congregation to exhort members to prayerful consideration of increasing financial support to avoid a Reduction in Force.
4. Treat church workers like the treasures they are and not require them to bear the budgetary challenges of the congregation on their shoulders alone. These professional church workers are partners in the mission to vigorously make known the love of Christ in word and deed, within churches, communities, and the world.

### **Congregation Check List**

Note: If a RIF policy and implementation process has not been adopted, begin the development phase by contacting your District Education Executive for counsel and resources.

**Review Congregational Governance Documents**

Review Congregational governance documents related to a Reduction in Force (RIF).

**Review Contracts, Call Documents and Employment Law**

Identify obligations to the worker and the established federal and state employment law statutes and congregational procedures that must be met.

**Regular Review of Personnel Guidelines**

Review and communicate the RIF policy, procedures, and responsibilities to constituents at least annually to congregational leadership, pastoral staff, administrator/supervisors and all employees

### **Administrator Checklist**

**Begin with prayer.**

You will be impacting the ministry and personal lives of individuals, well being of your institution and the future of your staff and church/school. Seek the Lord's guidance, wisdom and direction as you begin this critical task.

**Seek counsel.**

Because of the importance of this task, seek the counsel of trusted advisors. Talk with your pastor, board chairperson, colleagues and other professionals with whom you have developed a relationship.

**Contact your LCMS District office.**

Seek the guidance and support of your District Executive. They will be able to provide guidance.

**Review your Reduction in Force Guidelines.**

Be sure that you are familiar with all components of the guidelines. Determine the application to your current situation and assure that you have completed the appropriate homework prior to making any decisions based on the guidelines. If you do not have Reduction in Force guidelines, secure samples from your district office and from your colleagues to draft guidelines that can uniformly apply to situations in your setting.

**Develop a communication plan.**

a. Designate the individual who will communicate actions taken.

b. Develop a communication process with the staff. The faculty/staff need to understand the significance of a Reduction in Force decision and the impact to any worker, to them and to the ministry. Encourage their contributions to solution thinking and possibilities.

c. Develop a communication process for school families. Your school families need to know that a plan and process is being followed in order to address the very specific needs and challenges facing the school.

d. Develop a communication plan for the congregation. Who needs to know about the need to reduce staff? Who needs to know the way in which a decision will be made? Who needs to know how the congregation/school will continue ministry after the Reduction in Force?

e. Encourage Godly discussions.

**Establish criteria for determining positions to be eliminated.**

**Establish criteria for determining individuals to be RIFed.**

**Communicate the RIF guidelines, procedures, and responsibilities to constituents.**

a. Congregational Leadership

b. Pastoral Staff

c. Employees

d. School Families

**Meet with appropriate congregation/school leaders to prepare a separation of ministry/severance package.**

**Review**

a. Call Documents and any financial commitments that were made to the worker(s).

b. Insurance and Benefit plans available to the worker(s).

c. Unpaid/unused earned vacation, medical, personal leave etc

**Prepare a decision draft.**

Based on the guidelines, the situation at hand, and the need to reduce your staff develop a written plan. Be sure that you have gathered all required documentation to support your position.

**Be prepared to deal with a variety of emotions ranging from denial to anger to depression.**

This is a grieving process. You will find that a review and awareness of the 5 stages of grief is helpful. Anticipate this as part of the experience of the entire school and church community.

**Guide worker(s) to existing resources.**

a. Encourage contact with District Education Executive

b. Identify career counseling resources for the worker, if needed.

c. Provide positive references for worker.

d. Pray with the worker.

### **Pastor Checklist**

**Begin with prayer.**

You will be impacting the ministry and personal lives of individuals, well being of your institution and the future of your staff and church/school. Seek the Lord's guidance, wisdom and direction as you begin this critical task.

**Meet with Administrator to develop and coordinate a plan of action.**

If this action is happening among the teaching staff, it is critical that the Pastor and Administrator work together to speak with one voice. Develop a timeline indicating responsibility areas and when and how the information will be shared with worker(s). Script this meeting making certain that you are addressing the reasons for terminating the position.

**Notify and assemble those church/school leaders who will be working with you.**

Based on your governance documents, this may be the school board or a subcommittee of the church council or a combination of key congregational/school leaders.

**Meet with Stewardship and Finance Committees to review financial realities.**

Since a reduction in force most often occurs because of lack of finances, it is important that those involved in decision-making have an accurate and current picture of the financial state of the ministry.

**Prepare a separation of ministry package that includes (See pp.13-17):**

a. Severance/separation package (financial arrangements)

b. Health care assistance (continued care for at least one quarter, option for worker to continue up to 18 months of coverage, or if meets the rule of 85 is eligible for post-retirement health care)

c. Presence/relationship in the congregation (how the worker will relate after they are no longer in the employ of the congregation.)

d. Care for the family (identify resources available for the family during time of transition.)

e. Career Counseling (It may be helpful to offer professional career counseling for the worker. Resources may be available through the District Office.)

f. Assistance through MAPS program Concordia Plan Services offers counseling through the health coverage program. The worker should know that this is available for them.

g. Formal closure of ministry in congregational event.

**Meet with the worker to offer care and to listen to learn of needs and concerns.**

Even when prepared, this is devastating news. Make every effort to meet with the worker several times in the weeks that follow to provide pastoral care. It is possible that your involvement in this process may prevent you from providing pastoral care to the worker and family, so be prepared to make other resources available, i.e.: circuit counselor, neighboring pastor, District staff.

**Plan to meet with the staff and listen to their concerns.**

The staff may need assistance to process this information. This is an important moment for team building and development. It opens the door to conversations of grace and encouragement. It allows the congregation/school leadership to paint the picture of hope for the future of ministry and mission in this place.

**Determine date at which time congregation will thank and recognize the worker.**

This is also a congregational loss. It will help to bring closure to the worker's ministry and open the door to a new relationship with the worker if the congregation also has an opportunity to give thanks to God for this servant of the Lord. Identify a time when this may happen in a public event such as worship or a reception.

**Prepare statement for the congregation.**

Communications in these moments is always critical. This is a time to avoid at all cost the destructive work of gossip and speculation. There are losses at so many levels when a ministry comes to the point of reduction in force. This needs to be recognized and the worker needs to be valued for the ministry they have been blessed to share in the congregation, school and community. Prepare a statement that acknowledges the worker and briefly but clearly explains the situation that resulted in making this action.

**Write a note of appreciation and send to worker and place in worker's file.**

This becomes important to the worker for those who consider the worker for a call or placement in the future. Again, Reduction in Force is not a reflection of the worker's ability or the quality of their work. An action such as this helps to underscore that fact for the worker. In the case of rostered church workers, send a copy to the District Office for the individual's professional file.

## **Worker Checklist**

- Understand the reason for the Reduction in Force and the selection process.**

Reduction in Force is the response to factors that have led to diminished financial resources, a consolidation of ministries, or the discontinuance of programs.

- Do not respond by quitting.**

There are resources, most importantly health care, that are no longer available if you choose to respond by quitting. Ask questions about the process and the steps you need to take in order to help you and your family.

- Ask about options.**

- Ask about the process for appealing this decision.**

In the case of rostered church workers, there are processes for appealing a decision that you may feel is unjust. Review the current LCMS Handbook to learn the steps you need to take.

- Contact your District Education Executive.**

There are a number of Synodical procedures to follow and resources to help position you to be eligible for a call. You will want to:

a. Update your Lutheran Educator Information Form (LEIF). Contact your District Education Executive for guidance.

b. Request to have your LEIF circulated.

c. Change your Roster status.

d. Complete the appropriate Rosters and Statistics forms.

- If you are enrolled in Concordia Plan Services (CPS) contact them regarding retirement and insurance options that may be available to you..**

Contact your CPS representative to speak about insurance coverage before leaving an LCMS ministry. If you qualify for the rule of 85, you may continue as a post-retirement plan. If you are involved in a 403(b) program, you will want to place a hold on payroll deductions and alert them to a change in your contributions. This is also a qualifying experience and you may be able to use the contributions during this time of transition.

- If existing contractual promises have not yet been met, this is the time to ask questions about them.**

- Ask about sick leave and guidelines regarding unused leave?**

- Request a letter of recommendation from your Administrator.**

**Use available resources to assist with transition.**

Pastoral counseling, career counseling, and services through your health care program may be available to assist you in this time of transition.

**If you are a rostered worker, request a peaceful release from the congregation.**

If you wish to be considered for another call, request a peaceful release. This action will make it easier to transfer you to another District and/or ministry.

**Resources: Documents, Policies, and Procedures**

- Assemble and review key documents that may be helpful in the process of determining that a Reduction in Force is necessary, such as:
- a.  Local Congregation's Bylaws & Standard Operations and Procedures Manual (including Personnel Manual)
  - b.  Rubrics Governing Call and Placement Procedures for Ministers of Religion Commissioned (Secure from your District Office)
  - c.  Current LCMS Handbook (appeals process)
  - d.  LCMS Commission on Theology and Church Relations – The Divine Call (February 2003) ; The Ministry (September 1981)
  - e.  Concordia Plan Services information (including: care and counseling; legal services)
  - f.  Reduction in Force Guidelines (see appendix for sample, if necessary)
  - g.  Called Worker Call Documents/Contact Worker Employment Documents

**Severance Package Checklist**

**A severance package consists of the pay and benefits a worker receives when they cease employment at a church/school.**

**Severance contracts often stipulate that the worker will not sue the employer for wrongful termination.** It is therefore wise to offer the severance package agreement that includes the worker's signature on a release prepared or reviewed by legal counsel. Due to the 501c3 status of our churches/schools, workers are not normally eligible for unemployment insurance.

Christian care and concern for affected worker(s) and their families requires that the calling body negotiate a generous package including salary and continuing health insurance coverage after the date of termination of employment. Generally, a staff

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member terminated through the RIF process is entitled to whatever months of pay may have been earned through service during a school year and unused vacation and sick pay.

**In addition to the worker's remaining regular pay, the severance package may include some or all of the following:**

- \* Additional compensation based on years of service
- \* Payment for unused vacation time or sick leave.
- \* A payment in lieu of a required notice period.
- \* Medical, dental or life insurance - health insurance coverage for at least one full quarter beyond the last quarter of employment. (Consult local insurance carrier.)
- \* Retirement (e.g., 401K) benefits (Consult local insurance carrier.)
- \* Assistance in searching for new work, such as the initiation of the call process through the local District Office – or – assistance with writing/updating a resume

**APPENDIX**

**SEVERANCE GUIDELINES – SAMPLE A**

**XYZ LUTHERAN CHURCH/SCHOOL**

- A. **Purpose.** The purpose of these severance guidelines is to guide XYZ Lutheran Church and School in the event that involuntary termination of a ministry staff worker is inevitable. These guidelines are utilized only after the XYZ Lutheran Church and School’s responsible board has met with the worker. The board will keep a documented, confidential record of consultations with the worker throughout this process. In the event that involuntary termination of the staff member becomes necessary, the responsible board will report to the church/school and make a recommendation to the church/school concerning payment of severance benefits.
- B. **Definitions.** For purposes of this severance guidelines statement:
- “Church and School” means XYZ Lutheran Church and School.
- “Comparable employment” includes, but is not limited to, full-time employment as a worker in another ministry setting or other secular employment, regardless of the salary or other benefits to be received in another ministry setting or secular employment.
- “Ministry staff” means a Minister of Religion – Ordained or Minister of Religion – Commissioned positions.
- “Pro-rata” means a portion of 2.5 weeks of severance will be paid according to the number of years served.
- C. **Severance benefits.** Unless otherwise provided in these guidelines, upon the involuntary termination of a worker’s called service/employment by the Church, the Church shall pay the person severance benefits. A ministry staff person of the Church earns 2.5 weeks of salary (on a pro-rata basis) for each year of called service/employment. The maximum severance salary will not exceed 25 weeks. The minimum severance is 2.5 weeks (regardless of length of called service/employment). The payments are to be equal to the salary and benefits that the worker was being paid under the terms of his/her call/employment at the time he/she was terminated. Payment of the severance salary begins the first week after the end of the period for which the person was paid his/her regular salary and benefits by the church.
- When continued insurance coverage is offered, it terminates at the time the worker is newly employed and is eligible for benefits with a new employer or at the end of the time period agreed upon.

D. **Effective date of Guidelines.** These guidelines will go into effect immediately upon approval of the guidelines by XYZ Lutheran Church/School.

**SEVERANCE WORKSHEET**

**The XYZ Lutheran Church and School agrees to pay (worker) for a period of:**

- \_\_\_ 30 days
- \_\_\_ 60 days
- \_\_\_ 180 days
- \_\_\_ 25 weeks

Beginning date: \_\_\_\_\_ Ending Date: \_\_\_\_\_

**Salary:** \$ \_\_\_\_\_

**Benefits:**

- Retirement: \$ \_\_\_\_\_
- Health Insurance. \$ \_\_\_\_\_
- Annuity \$ \_\_\_\_\_
- Other \$ \_\_\_\_\_

**Other Expenses:** \$ \_\_\_\_\_

**Describe any other agreed-upon arrangements:**

**Acknowledgment of Terms:**

Dated: \_\_\_\_\_, 20\_\_ By \_\_\_\_\_

(Representative of Responsible Board)

Dated: \_\_\_\_\_, 20\_\_ By \_\_\_\_\_

(Pastor/School Administrator)

Dated: \_\_\_\_\_, 20\_\_ By \_\_\_\_\_

(Worker)

## **Five Stages of Grief**

1. **Denial**- "This can't be happening to me", looking for the former spouse in familiar places, or if it is death, setting the table for the person or acting as if they are still living there. No crying. Not accepting or even acknowledging the loss.
2. **Anger**- "Why me?" Feelings of wanting to fight back or get even with spouse of divorce, for death, anger at the deceased, blaming them for leaving.
3. **Bargaining**- Bargaining often takes place before the loss. Attempting to make deals with the spouse who is leaving, or attempting to make deals with God to stop or change the loss. Begging, wishing, praying for them to come back.
4. **Depression**- Overwhelming feelings of hopelessness, frustration, bitterness, self pity, mourning loss of person as well as the hopes, dreams and plans for the future. Feeling lack of control, feeling numb. Perhaps feeling suicidal.
5. **Acceptance**- There is a difference between resignation and acceptance. You have to accept the loss, not just try to bear it quietly. Realization that it takes two to make or break a marriage. Realization that the person is gone (in death) that it is not their fault, they didn't leave you on purpose. (even in cases of suicide, often the deceased person, was not in their right frame of mind) Finding the good that can come out of the pain of loss, finding comfort and healing. Our goals turn toward personal growth. Stay with fond memories of person.

Get help. You will survive. You will heal, even if you cannot believe that now, just know that it is true. To feel pain after loss is normal. It proves that we are alive, human. But we can't stop living. We have to become stronger, while not shutting off our feelings for the hope of one day being healed and finding love and/or happiness again. Helping others through something we have experienced is a wonderful way to facilitate our healing and bring good out of something tragic.

[http://www.essortment.com/all/stagesofgri\\_rvkg.htm](http://www.essortment.com/all/stagesofgri_rvkg.htm)

## **SAMPLE REDUCTION IN FORCE GUIDELINES**

### **XYZ Lutheran School**

#### **Reduction in Force Guidelines and Procedures**

##### **Definition**

A Reduction in Force (RIF) takes place when a change in the fiscal or operational position of a church/school requires the elimination of position(s) to ensure the on-going viability of the ministry.

##### **Introduction**

This RIF policy for XYZ Lutheran School establishes a process for reducing the number of staff in our school ministry as the result of a situation that meets the definition for a RIF (above). It is in compliance with all applicable sections of our congregation's Constitution and Bylaws, is non-discriminatory in accordance with federal and state laws and has been developed as the result of careful deliberation and sincere prayer that God's will might be done. This policy seeks to ensure that decisions are made with fairness and compassion for everyone involved.

This policy becomes effective only after reasonable efforts to retain all competent staff members have been exhausted. This requires extraordinary effort on the part of all who are involved in the process. Prayer then becomes an integral component of all efforts to reach God-pleasing conclusions.

The RIF process is not intended to remove staff members because they are considered to be incompetent or whose positions may be in jeopardy for other reasons not included in the definition of a RIF.

##### **Application of Policy**

This policy includes all called and non-called staff members serving at XYZ Lutheran School. Therefore, all school staff are subject to review once the need for a RIF has been determined. Note that a RIF can result in termination of agreements before the expiration of the term of such agreements without cause for all workers including contracted and called workers, following the procedures set forth in this document

##### **The Process**

The process of determining the need for a RIF will be directed by the Principal and will be guided by fervent prayer.

The Principal will consult with the Pastor and School Board Chairman and will contact the District Education Executive to enlist their counsel.

The Principal, in consultation with the School Board Chairman, first determines if the necessary budget cuts or program needs can be met by reassigning current staff to vacancies caused by resignation, retirement, etc.

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If such a resolution cannot be made, the Principal will develop a clear rationale that outlines the need for a RIF and makes a recommendation to the School Board regarding positions and/or programs to be eliminated.

Upon acceptance of the recommendation, the School Board then seeks approval from the Church Council to move forward with plans for a Reduction in Force .

Upon approval from the Church Council, the School Board Chairman and the Principal will inform the staff in person and in writing that it is likely that a RIF will be necessary. Furthermore, plans will be made to effectively inform the members of the congregation of the need for a RIF.

The Principal will oversee the RIF process, coordinating all aspects with professional and lay leaders in the congregation and will distribute the RIF Checklists that accompany this policy to the applicable leaders. The Principal is responsible for holding individuals and boards accountable for completing their responsibilities in a timely manner and for coordinating their efforts.

The Principal, in consultation with the School Board Chairman, Pastor and other church/school leaders, will reference the following factors when considering which individuals will be released as a result of the RIF :

- \* The specific position(s), program(s) or area(s) of ministry that is subject to the RIF
- \* The impact of losing an individual on a critical program or ministry component
- \* Whether the worker is called or contracted
- \* Years of service in Lutheran schools and at XYZ Lutheran School
- \* The worker's professional credentials

The Principal and School Board Chairman will present a report to the School Board with specific recommendations for programs and/or individual staff members to be relieved of their responsibilities.

XYZ Lutheran Church Bylaw IV, Section 3a empowers the School Board to employ and release contracted workers. However, only the congregation can release called workers. In the event that a called worker is affected by a RIF, the School Board must make its recommendation to the congregation and seek a release from the worker's call. This must be presented at a properly called meeting of the congregation.

The Principal, School Board Chairman and Pastor will meet individually with workers who are affected by a RIF. They will explain to each worker the basic process that was followed, the continuing commitment to the worker including severance and personal support as outlined in the attached RIF Checklist.

## RIF Policy Resource - 091203

In the case of called workers, the School Board Chairman will present the recommendation of the Board to the Voters Assembly, seeking a release of the worker from their call.

Upon acceptance of the recommendation, the worker will be immediately notified. If the recommendation is rejected, the Principal and School Board will prepare an alternate recommendation and will follow the steps outlined above.

In every case, the Principal will continue to monitor the responsibilities of church/school leadership until the RIF process is complete.

### **Appeals Process**

A written request to appeal must be filed with the Principal within fifteen days of the decision to reduce staff. Failure to do so within the stated time period will constitute a waiver of the right to appeal. A hearing must be scheduled at a mutually convenient time within 30 days of receipt of the request to appeal.

The Church Council will serve as the Appeals Committee for any worker who wishes to contest the decision to release him/her from service at XYZ Lutheran. The issues in the hearing shall include only the following:

- Did one or more of the criteria for Reduction in Force exist?
- Was the criteria properly applied?

The Committee will render a written decision within 7 days of the appeals meeting. The decision will be communicated to the worker and appropriate church and school leadership in writing immediately thereafter.

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